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# A Plaintiff Ill-Used

By John R. MacArthur

The pathetic denouement of the Westmoreland trial suggests that the General's financial backers withdrew support when they realized their ideological adventure was about to end in failure. It was almost certainly their call, since the lawsuit had little to do with Gen. William C. Westmoreland's honor. From the beginning, the trial was about politics and represented a crude attempt by ideologues to rewrite the history of the Vietnam War.

By abandoning their stalking horse at the last minute, however, the money people did more permanent damage to General Westmoreland's reputation than a battery of television interviews could have achieved. The General's legal defeat immediately becomes a metaphor easily coupled with the humiliating withdrawal from the roof of our embassy in Saigon. But this time, instead of leaving behind hundreds of thousands of South Vietnamese, the Americans who put up more than \$3 million for this ill-conceived lawsuit left on the courthouse steps the wreckage of a senior American general's reputation. They pulled the plug on General Westmoreland as surely as President Richard M. Nixon and Henry A. Kissinger pulled the plug on the Vietnamese once they realized that money couldn't buy either victory or honor.

As if it weren't enough to humiliate General Westmoreland by replaying our mistakes in Vietnam, the conservative foundations and individuals who put up most of the money for his case insisted on using their own lawyer instead of a more effective

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mercenary. Once again it is tempting to draw analogies to the war. Dan M. Burt's difficulties as a legal tactician mirror our failed military strategy, which was retold in hundreds of hours of testimony. And once again we were exposed to the absurd notion that unless an enemy soldier wore a uniform or carried a Russian rifle, he didn't count as a guerrilla and posed no threat to American troops.

Perhaps it's not so surprising that General Westmoreland allowed himself to be used for this mission. As in Vietnam, he must have figured the odds were on his side. With all that money behind him, and all those powerful people telling him how right he was, how could he lose? But it turned out his backers couldn't or wouldn't do simple addition when the incoming testimony began to break through their ideological perimeter.

As the present publisher of the magazine that in 1975 first charged the United States with falsifying troop figures, I couldn't have been more opposed to the lawsuit. I also think our involvement in Vietnam was wrong. But to my surprise, I took very little pleasure in seeing General Westmoreland further humiliated. I began to feel something bordering on sympathy as it became clear that the trial had nothing whatever to do with restoring his reputation.

There is today a well-armed intellectual and political lobby that contends that Vietnam could have been won were it not for the weak-kneed media and their dovish handmaidens in Congress. Our defeat, they say, was caused by lack of will, not lack of purpose.

The money behind the trial reflects this ideological faction, and a Westmoreland victory would have helped its cause. But like the senior officials in three successive Administrations who prosecuted the Vietnam War, these well-to-do ideologues had little or no idea of what their enthusiasm would cost. However, once they got the bill, they showed no compunction about consigning General West-

moreland to oblivion. Perhaps his handlers were a little short on will.

What of General Westmoreland's honor now? Was it served in any way by this wasteful lawsuit? Was the principle of fairness, which most Americans believe in, advanced to any degree? Of course not. General Westmoreland will be remembered bravely insisting, in his hotel room, that defeat was victory and that CBS had apologized. But after all this, the only apology to be made should come from his financial supporters, and it ought to be in simple, non-military English, addressed to their client, William C. Westmoreland. □